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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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SHOOK HARDY & BACON LLP
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KANSAS CITY MO 64105-2100

TM52/1017

EXAMINER

ART UNIT	PAPER NUMBER
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1782
DATE MAILED:

10/17/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/409,478	Applicant(s) TYLER	
	Examiner EDMUND H LEE	Art Unit 1732	
	-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --		

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on ____.

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-21 is/are pending in the application.

4a) Of the above claim(s) ____ is/are withdrawn from consideration.

5) ☐ Claim(s) ____ is/are allowed.

6) ☒ Claim(s) 1-21 is/are rejected.

7) ☐ Claim(s) ____ is/are objected to.

8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. ____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: ____
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DETAILED ACTION

1. Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not enable providing nibs on both the first and second sides of the sheet. The specification only enables the molding of nibs on one side of the sheet.
2. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "said vacuum pressure" (cl 4, ln 1) lacks proper antecedent basis in the claim.

The phrase "a first side of the sheet" (cl 21, lns 2-3) is indefinite because it is unclear whether or not the first side is the same first side as mentioned in line 2 of claim 13. it should be noted that claim 13 recites the second side not first side having nibs thereon.

Clarification and/or correction is required.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. ~~Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over~~

Reuben (USPN 5171619) in view of Schriner et al (USPN 2915427). In regard to claim 1, Reuben teaches the basic claimed process including a method of producing a vehicle mat (figs 1-4); and extruding a sheet of thermoplastic material, the sheet having a first and second side, the second side having a plurality of nibs extending therefrom (figs 1-4). However, Reuben does not teach locating the sheet in proximity with a contoured molding tool, the first side directed toward the tool and the second side directed away from the tool; heating the sheet; and drawing the sheet toward the tool until the sheet is substantially shaped to the contour of the tool. Schriner et al teach vacuum forming process for shaping vehicle floor mats (col 1, lns 35-40; figs 1-4); and placing the carpet side of the mat against the mold and the backing side away from the mold (figs 1-4).

Reuben and Schriner et al are combinable because they are analogous with respect to vehicle mats. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to shape the mat of Reuben by the process of Schriner et al in order to give the mat of Reuben a desired contour for vehicles. It should be noted that the combination of Reuben and Schriner et al would direct one of ordinary skill in the art to place the carpet side of the mat of Reuben against the mold thus the nib side of the mat of Reuben would be facing away from the mold. In regard to heating the sheet, such is a well-known in vacuum molding, as illustrated by the admitted prior art as set forth on pg 2, lns 14-16 of the instant specification, in order to facilitate the drawing of the sheet. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to heat the sheet of Reuben in order to facilitate its

drawing against the mold. In regard to claims 2-8, Reuben teaches that the sheet is a

thermoplastic elastomer (col 3, Ins 1-10). However, Reuben does not teach drawing by differential pressure; applying the vacuum pressure through vacuum apertures in the tool; using a male tool; using a male tool including a contoured form upstanding from a flat base; using a blank for producing at least one mat; and cooling the sheet and removing the sheet from the tool. The combination of Reuben and Schriener et al teach drawing by differential pressure; applying the vacuum pressure through vacuum apertures in the tool; using a male tool; and cooling the sheet and removing the sheet from the tool—as a note, this is inherent with the process of Schriener et al in order to produce a useable mat. In regard to using a male tool including a contoured form

upstanding from a flat base, such is a mere obvious matter of choice dependent on the desired final product and equipment availability and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, such is well-known in the molding art thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to redesign the mold of Reuben (modified) to have the claimed features in order to diversify the shape of the mat. In regard to using a blank for producing at least one mat, it is well-known in the molding art to provide a preform in a continuous length or a finite length. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to cut the sheet of Reuben into a blank for at least one mat in order to facilitate handling.

5. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Reuben (USPN 5171619) in view of Schriener et al (USPN 2915427). In regard to claim 9, Reuben teaches the basic claimed process including a method of producing a vehicle mat (figs 1-4); extruding a sheet of thermoplastic material, the sheet having a first and second side, the second side having a plurality of nibs extending therefrom (figs 1-4); and using a pair of rollers wherein one of the rollers has a plurality of indentations to form nibs on a first side of the sheet. However, Reuben does not teach locating the sheet in proximity with a contoured male molding tool, the first side directed away the tool; heating the sheet to a plastic state; and drawing the sheet toward the tool until the sheet is substantially shaped to the contour of the tool. Schriener et al teach vacuum forming process for shaping vehicle floor mats (col 1, lns 35-40; figs 1-4); and placing the carpet side of the mat against the male mold and the backing side away from the mold (figs 1-4). Reuben and Schriener et al are combinable because they are analogous with respect to vehicle mats. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to shape the mat of Reuben by the process of Schriener et al in order to give the mat of Reuben a desired contour for vehicles. It should be noted that the combination of Reuben and Schriener et al would direct one of ordinary skill in the art to place the carpet side of the mat of Reuben against the mold thus the nib side of the mat of Reuben would be facing away from the mold. In regard to heating the sheet, such is a well-known in vacuum molding, as illustrated by the admitted prior art as set forth on pg 2, lns 14-16 of the instant specification, in order to facilitate the drawing of the sheet. Thus, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to heat the sheet of Reuben in order to facilitate its drawing against the mold. In regard to claims 10-12, Reuben teaches that the sheet is a thermoplastic elastomer (col 3, lns 1-10). However, Reuben does not teach the specific material of the sheet; and drawing by vacuum pressure. The combination of Reuben and Schriener et al teach drawing by vacuum pressure. In regard to the specific material of the sheet, such is a mere obvious matter of choice dependent on the desired final product and material availability and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed material is well-known for its durability. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made mold the mat of Reuben from the claimed material in order to impart durability to the mat.

6. Claims 13-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reuben (USPN 5171619) in view of Schriener et al (USPN 2915427). In regard to claim 13, Reuben teaches the basic claimed process including a method of producing a vehicle mat (figs 1-4); and extruding a sheet of thermoplastic material, the sheet having a first and second side, the second side having a plurality of ribs extending therefrom (figs 1-4). However, Reuben does not teach locating the sheet in proximity with a contoured molding tool, the first side directed toward the tool and the second side directed away from the tool; heating the sheet; and drawing the sheet toward the tool until the sheet is substantially shaped to the contour of the tool. Schriener et al teach vacuum forming process for shaping vehicle floor mats (col 1, lns 35-40; figs 1-4); and

placing the carpet side of the mat against the mold and the backing side away from the mold (figs 1-4). Reuben and Schriener et al are combinable because they are analogous with respect to vehicle mats. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to shape the mat of Reuben by the process of Schriener et al in order to give the mat of Reuben a desired contour for vehicles. It should be noted that the combination of Reuben and Schriener et al would direct one of ordinary skill in the art to place the carpet side of the mat of Reuben against the mold thus the nib side of the mat of Reuben would be facing away from the mold. In regard to heating the sheet, such is a well-known in vacuum molding, as illustrated by the admitted prior art as set forth on pg 2, lns 14-16 of the instant specification, in order to facilitate the drawing of the sheet. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to heat the sheet of Reuben in order to facilitate its drawing against the mold. In regard to claims 14-21, Reuben teaches that the sheet is a thermoplastic elastomer (col 3, lns 1-10); and extruding a sheet between a pair of rollers wherein the rollers has a plurality of indentations to form nibs on a first side of the sheet (figs 1-4). However, Reuben does not teach the specific material of the mat; drawing by differential pressure; applying the vacuum pressure through vacuum apertures in the tool; using a male tool; using a male tool including a contoured form upstanding from a flat base; using a blank for producing at least one mat; and cooling the sheet and removing the sheet from the tool. The combination of Reuben and Schriener et al teach drawing by differential pressure; applying the vacuum pressure through vacuum apertures in the tool; using a male tool;

and cooling the sheet and removing the sheet from the tool--as a note, this is inherent with the process of Schriener et al in order to produce a useable mat. In regard to the specific material of the sheet, such is a mere obvious matter of choice dependent on the desired final product and material availability and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed material is well-known for its durability. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made mold the mat of Reuben from the claimed material in order to impart durability to the mat. In regard to using a male tool including a contoured form upstanding from a flat base, such is a mere obvious matter of choice dependent on the desired final product and equipment availability and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, such is well-known in the molding art thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to redesign the mold of Reuben (modified) to have the claimed features in order to diversify the shape of the mat. In regard to using a blank for producing at least one mat, it is well-known in the molding art to provide a preform in a continuous length or a finite length. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to cut the sheet of Reuben into a blank for at least one mat in order to facilitate handling.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fujiki (USPN 5554333) and Price (USPN 3555601) teach extrusion molding nibs. Sugihara (USPN 602044) teach vacuum forming mats.

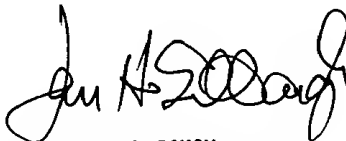
8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Edmund Lee whose telephone number is (703)305-4019. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan H. Silbaugh, can be reached on (703)308-3829. The fax phone number for this Group is (703)305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-0661.

EHL

October 1, 2001


JAN H. SILBAUGH
SUPERVISORY PATENT EXAMINER
ART UNIT 1732

10/1/01